

UNITED STATES DISTRICT COURT
For the District of Massachusetts

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U.S. DISTRICT COURT
DISTRICT OF MASS.

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| DIOMED, INC., |) | RECEIVED NOV 17 2004 P 29 |
| Plaintiff, | | |
| and | | |
| NEW STAR LASERS, INC. D/B/A COOL TOUCH, INC., | | C. A. No. 04-CV-12157-RGS |
| Defendant. | | |

ASSENTED TO MOTION OF DEFENDANT NEW STAR LASERS, INC.
FOR AN EXTENSION OF TIME TO RESPOND TO COMPLAINT

Defendant New Star Lasers, Inc. respectfully moves this Court to extend the time within which it must respond to the plaintiff's complaint in this action to and including December 3, 2004.

The grounds for this motion are that the additional time is reasonably necessary for defendant to prepare an appropriate response to the complaint. Plaintiff, through its counsel, Michael A. Albert of Wolf, Greenfield & Sacks, PC, has assented to this motion.

WHEREFORE, defendant New Star Lasers, Inc. respectfully prays that this motion be granted.

Dated: November 17, 2004

DIOMED, INC.,
By its attorneys,

Michael A. Albert

 Michael A. Albert (BBO # 558566)
malbert@wolfgreenfield.com
 Wolf, Greenfield & Sacks, P.C.
 600 Atlantic Avenue
 Boston, MA 02210
 (617) 646-8000

Respectfully submitted,

NEW STAR LASERS, INC., d/b/a COOL
TOUCH, INC.
By its attorneys,

William A. Zucker

 William A. Zucker, BBO # 541240
wzucker@ghlaw.com
 Gadsby Hannah LLP
 225 Franklin Street
 Boston, MA 02110
 (617) 345-7000

Of Counsel

Dale C. Campbell
dcampbell@weintraub.com
Audrey A. Millemann
amillemann@weintraub.com
Weintraub Gensleia Chediak Sproul
400 Capitol Mall, 11th Floor
Sacramento, CA 95814
(916) 558-6000

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail/by hand/electronically.

By: William A. Zucker

Date: November 17, 2004

William A. Zucker (BBO #541240)
Gadsby Hannah LLP
225 Franklin Street
Boston, Massachusetts 02110
(617) 345-7000

Attorneys for Defendant New Star Lasers,
Inc.

Local Rule 7.1 Certification

I, William A. Zucker, hereby certify that counsel for defendant New Star Lasers, Inc. has conferred in good faith with counsel for plaintiff and has obtained plaintiff's assent to this motion.

By: William A. Zucker
William A. Zucker (BBO #541240)